

JUL 31 2006
PATENT & TRADEMARK OFFICE

en
H
\$

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.
ITL1039US

In Re Application Of: Sarah E. Kim, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/669,212	September 24, 2003	Chris C. Chu	21906	2815	2146

Invention: Packaged Electroosmotic Pumps Using Porous Frits for Cooling Integrated Circuits

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated May 16, 2006 finally rejecting Claim(s) 10-13 and 18-25

The fee for this Notice of Appeal is: \$500.00

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: July 26, 2006

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on
July 26, 2006

(Date)


Signature of Person Mailing Correspondence

Nancy Meshkoff

Typed or Printed Name of Person Mailing Correspondence

08/01/2006 MBELETE1 00000038 10669212

01 FC:1401

500.00 DP

CC:





Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		ITL.1039US (P14622)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on <u>July 26, 2006</u> Signature <u></u> Typed or printed name <u>Nancy Meshkoff</u>		Application Number	Filed
		10/669,212	September 24, 2003
		First Named Inventor	
		Sarah E. Kim	
		Art Unit	Examiner
		2815	Chris C. Chu
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u>			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
		 Signature <u>Timothy N. Trop</u> Typed or printed name <u>(713) 468-8880</u> Telephone number <u>July 26, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Sarah E. Kim et al.

Serial No.: 10/669,212

Filed: September 24, 2003

For: Packaged Electroosmotic Pumps
Using Porous Frits for Cooling
Integrated Circuits

§

§

§

§

§

§

§

§

§

§

Art Unit: 2815

Examiner: Chris C. Chu

Atty Docket: ITL.1039US
P14622

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL REQUEST FOR REVIEW

Sir:

The claim calls for a catalytic re-combiner. It is suggested that a finned heat exchanger somehow constitutes both a re-combiner and a catalytic re-combiner.

Clearly, it has no catalytic elements. The attempt to parse the definition of a catalytic re-combiner to simply say that it is anything that allows condensation is unjustified. All that a finned heat exchanger does is remove heat from the flowing fluid. There is no area specifically devoted to condensation and no basis to make such a claim.

Moreover, there is nothing that allows any recombination of gases using a catalytic material. Therefore, there is no catalytic re-combiner. Any heat exchanger is not a catalytic re-combiner. Assertions to the contrary are unsupported.

Certainly, even the present application shows heat exchangers, but still needs a catalytic re-combiner. Thus, there is no basis to assert equivalency between a heat exchanger and a

Date of Deposit: July 26, 2006

I hereby certify that this document is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571/273-8300) on the date indicated above.



Nancy Meshkoff

catalytic re-combiner. The same can be said of the reference to Goodson. Namely, it teaches both elements, just no catalytic re-combiner within the integrated circuit package.

In view of the clear difference between a catalytic re-combiner and a heat exchanger, reconsideration is requested.

Respectfully submitted,

Date: July 26, 2006



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Applicants for Intel Corporation